

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY TABAREZ,

Plaintiff,

No. 2: 04-cv-0360 LKK KJN P

vs.

DIANA BUTLER, et al.,

Defendants.

ORDER

On March 31, 2011, the Honorable Lawrence K. Karlton referred this matter to the undersigned for an evidentiary hearing regarding whether plaintiff's alleged medical problems and medications impaired his ability to understand the nature of the settlement agreement and appreciate its consequences. On April 6, 2011, the parties were directed to submit proposed witness lists.

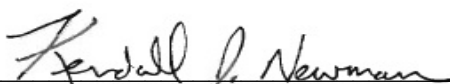
Both parties have now submitted proposed witness lists. Both parties request that attorney Craig Weaver, Magistrate Judge Vadas and Dr. Shaddey appear at the evidentiary hearing. Good cause appearing, the request to call these persons as witnesses is granted. Defense counsel shall provide for the appearance of Dr. Shaddey. By this order, Mr. Weaver is directed to appear at the hearing. The court will arrange for Magistrate Judge Vadas to appear telephonically at the hearing. Defendants are also permitted to call plaintiff as a witness.

1 Plaintiff has also requested that two inmates be permitted to testify regarding how
2 his medications effected him. The perceptions of other inmates regarding the effect of
3 medications on plaintiff are not sufficiently relevant, and are not offered as expert medical
4 testimony. Accordingly, plaintiff's request to call inmate witnesses is denied.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. An evidentiary hearing is set before the undersigned for **July 1, 2011 at 9 a.m.**;
- 7 2. Attorney Craig Weaver shall appear at this hearing; the Clerk of the Court shall
8 serve a copy of this order on Mr. Weaver;
- 9 3. Defense counsel shall provide for the appearance of Dr. Shaddey at the
10 hearing;
- 11 4. The court will arrange for Magistrate Judge Vadas to appear telephonically at
12 the hearing; the Clerk of the Court is directed to serve a copy of this order on the chambers of
13 Magistrate Judge Vadas;
- 14 5. Plaintiff shall appear at the hearing via videoconference.
- 15 6. Plaintiff's request to call inmate witnesses at the hearing is denied.

16 DATED: April 25, 2011

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19 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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